

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**PLAINTIFF**

**ARIENNE JONES, DERIC JONES,  
HERSCHEL WILLIAMS, and  
TANSHENETTA ROBISKIE,**

**PLAINTIFF-INTERVENORS**

**v.**

**CIVIL ACTION NO.: 3:20-cv-00729-CWR-LGI**

**SSM PROPERTIES, LLC, STEPHEN MAULDING, SR.,  
JAMES ROE, and SHEILA MAULDING,**

**DEFENDANTS**

**UNITED STATES' PETITION FOR REASONABLE ATTORNEYS' FEES AND  
EXPENSES INCURRED IN SECURING CONTEMPT  
AGAINST DEFENDANT JAMES ROE**

**I. INTRODUCTION**

At the Court's October 11, 2023 hearing, the Court imposed, among other things, the following contempt sanctions against defendant James Roe: *first*, that the \$3,000 civil penalty against Roe under the Consent Decree is due immediately; *second*, that Roe pay interest on the civil penalty award, to be calculated from the Court's November 1, 2022 entry of the Consent Decree; and *third*, that Roe pay the United States its reasonable attorneys' fees and travel expenses incurred in pursuing the contempt action against Roe. The Court directed the United States to submit its claim for reasonable attorneys' fees and expenses for the Court's review. Pursuant to this order, the United States respectfully requests that the Court award the United States \$2,400 in reasonable attorneys' fees and \$2,325.35 for reasonable travel costs, for a total of \$4,725.35. The grounds for this requested award are explained below and in the accompanying Declaration of Max Lapertosa.

## II. ANALYSIS

### A. Attorneys' Fees

The United States requests \$2,400 in reasonable attorneys' fees. This amount represents six hours of undersigned counsel's time at a rate of \$400/hour. Undersigned counsel, Max Lapertosa, is an experienced civil rights litigator who has practiced civil rights law for over 28 years, including 15 years with the Civil Rights Division of the Department of Justice. *See* Decl. of Max Lapertosa in Supp. of United States' Pet. For Reasonable Attorneys' Fees and Expenses ¶¶ 1-5. A \$400 hourly rate is consistent with rates that this Court and other courts have found to be reasonable for attorneys with similar experience and expertise in the Jackson, Mississippi legal market. *See Doe v. Fitch*, No. 3:16-cv-789-CWR-FKB, 2022 WL 4002326, at \*3 (S.D. Miss. Aug. 1, 2022) (in voting rights case, awarding \$400/hour to attorney who graduated law school in 2009 and had over 10 years' experience in criminal and civil rights law); *Aldridge on Behalf of United States v. Corp. Mgmt. Inc.*, No. 1:16-cv-369-HTW-LRA, 2022 WL 983167, at \*9 (S.D. Miss. Mar. 30, 2022) (in *qui tam* action, awarding \$425/hour to 1992 law graduate).

The United States is seeking an award for only six hours of Mr. Lapertosa's time, namely, four hours for preparing the contempt pleadings and two hours to attend the two contempt hearings. This represents an approximately 95% reduction of the United States' actual attorney hours incurred in seeking contempt against Roe, including efforts to secure his voluntary compliance. Lapertosa Decl. ¶¶ 6-7. The United States has exercised this significant billing judgment due to the unique circumstances of this case, including the likelihood that Roe would not be able to pay the United States' lodestar. There can be no doubt that the United States' requested hours are reasonable and not excessive.

*B. Travel Expenses*

The United States incurred \$2,375.35 in travel expenses to send undersigned counsel from Washington, D.C. to Jackson twice to appear at the contempt hearings. Lapertosa Decl. ¶ 10. Most of these expenses were determined by rates set by the U.S. General Services Administration. *Id.* ¶ 11. As such, they should be presumptively reasonable. These costs were reasonably expended by the United States in securing the Court's contempt finding against Roe.

**III. CONCLUSION**

For the reasons stated above, the United States respectfully requests that the Court order defendant James Roe to reimburse the United States \$2,400 in reasonable attorneys' fees and \$2,325.35 in reasonable travel expenses as a sanction for his contemptuous failure to pay the civil penalty required by the Consent Decree.

Dated: October 19, 2023

TODD GEE  
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Attorneys for the United States of America

**CERTIFICATE OF SERVICE**

I hereby certify that on October 19, 2023, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record and I hereby certify that I have caused to be mailed by email and Fed Ex the document to the following defendant at the address listed below:

James Roe  
1255 East County Line Road, Apt. D-3  
Jackson, MS 39211  
[jrio6807@gmail.com](mailto:jrio6807@gmail.com)

s/ Max Lapertosa